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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,657	08/04/2003	Yoshihiro Nakami	MIPFP046	6349
25920 7590 11/27/2007 MARTINE PENILLA & GENCARELLA, LLP 710 LAKEWAY DRIVE SUITE 200 SUNNYVALE, CA 94085			EXAMINER WASHINGTON, JAMARES	
			ART UNIT 2625	PAPER NUMBER
			MAIL DATE 11/27/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/634,657	Applicant(s) NAKAMI, YOSHIHIRO	
	Examiner Jamares Washington	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 1-9 and 16-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>01/28/2005, 04/19/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Species III, upon which claims 10-15 read, in the reply filed on October 12, 2007 is acknowledged.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

*Note: Examiner will rely on a machine translated version of Japanese Patent JP 2001186297A in the rejection of claims 10-15. A certified translation will be provided in further correspondence.

4. Claims 10-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Takashi Nitta (JP 2001186297 A).

Regarding claim 10, Nitta discloses an image processing method (§ [5]) that utilizes either of shooting information representing a shooting condition of image data (English abstract referring to the automatic selection mode) and image processing control information for specifying an image processing condition of the image data (English abstract referring to the manual selection mode), either of which is related to the image data, as image processing information and thereby makes the image data subjected to a series of image processing (§ [30-32]), said image processing method comprising:

acquiring the image data (§ [6]);

retrieving either of the shooting information and the image processing control information, either of which is related to the acquired image data (§ [30-31]); and

in the case of successful retrieval of the image processing control information, executing the series of image processing of the image data according to the image processing control information (§ [31]), while in the case of failed retrieval of the image processing control information, executing the series of image processing of the image data, based on the shooting

information (§ [30]. The reference's usage of the phrase "in close" will be construed by the examiner to mean available or able to be accessed.).

Regarding claim 11, Nitta discloses an image processing method in accordance with claim 10, said image processing method further comprising:

in the case of successful retrieval of the image processing information (English abstract referencing the manual selection mode), not executing retrieval of the shooting information ("...image processing is carried out according to the user's instructions to perform print processing..." abstract).

Regarding claim 12, Nitta discloses an image processing method in accordance with claim 10, said image processing method further comprising:

in the case of failed retrieval of both the image processing control information and the shooting information, executing the series of image processing of the image data according to default image processing control information, which is general-purpose image processing information set for preset image data (§ [14-15] in which the image processing mode is set to automatic and the photography mode information does not exist in addition to there not being any manual settings present because automatic mode was chosen; the image processing is carried out by default processes according to a photographic subject.)

Regarding claim 13, Nitta discloses an image processing method in accordance with claim 10, wherein the executing the image processing to the image data is carried out by

converting at least part of the shooting information into image processing control information and executing the series of image processing of the image data according to the converted image processing control information (§ [13] Selecting “image processing mode” which would be attached as shooting information to the image file).

Regarding claim 14, Nitta discloses an image processing apparatus (§ [6] “...the printer of this invention”) that utilizes either of shooting information representing a shooting condition of image data and image processing control information for specifying an image processing condition of the image data, either of which is related to the image data, as image processing information and thereby makes the image data subjected to a series of image processing, said image processing apparatus comprising:

an image data acquisition unit that acquires the image data (§ [6] “...image data acquisition section”);

an image processing information retrieval unit that retrieves either of the shooting information and the image processing control information, either of which is related to the acquired image data (§ [6] “...image processing mode selection section”); and

an image processing unit that (§ [6] “...image processing section”), in the case of successful retrieval of the image processing control information, executes the series of image processing of the image data according to the image processing control information, while in the case of failed retrieval of the image processing control information, executing the series of image processing of the image data, based on the shooting information (see rejection of claim 10).

Regarding claim 15, Nitta discloses a recording medium in which an image processing program is recorded (§ [7]), said image processing program causing a computer to utilize either of shooting information representing a shooting condition of image data and image processing control information for specifying an image processing condition of the image data, either of which is related to the image data, as image processing information and thereby make the image data subjected to a series of image processing (§ [7]), said image processing program comprising:

a program command that acquires the image data (§ [7]);

a program command that retrieves either of the shooting information and the image processing control information, either of which is related to the acquired image data (§ [7]); and

a program command that, in the case of successful retrieval of the image processing control information, executes the series of image processing of the image data according to the image processing control information, while in the case of failed retrieval of the image processing control information, executing the series of image processing of the image data, based on the shooting information (§ [7]).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamares Washington whose telephone number is (571) 270-1585. The examiner can normally be reached on Monday thru Friday: 7:30am-5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, King Poon can be reached on (571) 272-7440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jamares Washington
Junior Examiner
Art Unit 2625


JW

November 19, 2007


KING Y. POON
SUPERVISORY PATENT EXAMINER